

**TOWN OF DAVIE
REGULAR MEETING
JULY 5, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Mike Crowley, and Councilmembers Caletka, Paul and Starkey. Also attending were Acting Town Administrator Cohen, Town Attorney Kiar and Town Clerk Muniz, recording the meeting.

3. OPEN PUBLIC MEETING

There were no speakers.

Mayor Truex announced that item 4.13 needed to be tabled to July 19, 2006.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 6.2 needed to be tabled to August 2, 2006.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 4.15 needed to be added.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. April 19, 2006 (Regular Meeting) (tabled from June 21, 2006)

4.2. May 3, 2006 (Regular Meeting)

4.3. May 17, 2006 (Regular Meeting)

Resolutions

4.4. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2006-186 BID FOR A HYDRAULIC SEWER JETTER FROM EVERGLADES FARM
EQUIPMENT CO., INC. (Everglades Farm Equipment Co., Inc. - \$34,512)

4.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2006-187 BID FROM DECATUR ELECTRONICS FOR THE PURCHASE OF SPEED
ENFORCEMENT EQUIPMENT. (\$20,388/not budgeted)

4.6. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-188 THE APPLICATION FOR A \$500,000 DISCRETIONARY GRANT FROM THE
FLORIDA DEPARTMENT OF TRANSPORTATION, INTERMODAL
DEVELOPMENT PROGRAM, FOR THE OAKES ROAD INTERMODAL BRIDGE
AND STATIONS STUDY; AND AUTHORIZING ACCEPTANCE AND
EXECUTION OF THE GRANT, IF AWARDED.

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- 4.7. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE
R-2006-189 ACCEPTANCE AND EXECUTION OF A GRANT CONTRACT WITH THE
FLORIDA COMMUNITIES TRUST FOR THE DAVIE FARM PARK.
- 4.8. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-190 FLORIDA, AMENDING A 24' RIGHT-OF-WAY (PRIVATE ROAD) TO A 24'
INGRESS/EGRESS AND UTILITY EASEMENT; RELOCATION OF RETENTION
AREAS AND DRAINAGE EASEMENTS; DELETING OF UTILITY EASEMENTS;
DELETING OF SIDEWALK AND SWALE EASEMENTS; AND DELETING NON-
VEHICULAR ACCESS LINES (NVAL) FROM THE "STERLING VILLAS" PLAT;
AND PROVIDING AN EFFECTIVE DATE. (DG 11-2-05, Sterling Townhomes, 3875
NW 76 Avenue)
- 4.9. **DOWNTOWN MASTER PLAN** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-191 FLORIDA APPROVING THE DAVIE, FLORIDA DOWNTOWN MASTER PLAN
DOCUMENT; AND AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH
APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND
PROVIDING FOR AN EFFECTIVE DATE.
- 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-192 APPROVING A STANDARD MUTUAL AID AGREEMENT TO BE ENTERED
INTO BY WATER/WASTEWATER UTILITIES CONCERNING EMERGENCY
ASSISTANCE FOR PHYSICAL DAMAGE SUSTAINED FROM NATURAL OR
MANMADE DISASTERS IN COORDINATION WITH FLORIDA'S
WATER/WASTEWATER AGENCY RESPONSE NETWORK (FLAWARN); AND
PROVIDING FOR AN EFFECTIVE DATE.
- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH GEOWEB CONSULT SERVICES FOR DISTRICT
BOUNDARY REVIEW CONSULTANT SERVICES, AND PROVIDING FOR AN
EFFECTIVE DATE. (\$11,910)
- 4.12. **SALARY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-193 FLORIDA, AUTHORIZING A SALARY ADJUSTMENT TO THE DEPUTY FIRE
CHIEF'S COMPENSATION; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

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Quasi-Judicial Consent Agenda

4.13. STAFF REQUESTING A WITHDRAWAL

SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from April 5, 2006) *Site Plan Committee recommended denial because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny: 1) address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) the pavers at the corner are to match the current pattern; 3) look at the handicapped space location do to slope into the building; 4) bike racks are missing; 5) the Committee did not like the signage colors; and 6) parking arrangement has a dead end, no outlet parking area which does not work*

- 4.14. SPM 12-9-05, Lakeside Townships Building I, 5780 South University Drive (UC) *Site Plan Committee recommended approval subject to the addition of a stop bar and stop sign being installed and subject to meeting with staff to resolve the SW 76 Avenue improvements issue prior to presenting to Council*

Councilmember Caletka pulled items 4.7, 4.11, and 4.15. Vice-Mayor Crowley pulled item 4.9. Councilmember Starkey pulled items 4.2 and 4.12.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 4.2, 4.7, 4.9, 4.11, 4.12 and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Councilmember Starkey indicated the correct spelling of Miramar Mayor Lori Moseley.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve subject to correcting the spelling of Lori Mosely. In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Councilmember Caletka opposed this item as he felt such grants burdened the Town with increased costs.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex announced that United Ranches residents had voted overwhelmingly in favor of annexing into Davie. Mayor Truex and Council welcomed United Ranches residents into Davie.

4.9 Victor Dover, representing Dover, Kohl, gave a presentation summarizing the downtown master plan concept and spoke of the centrality of the Huck Liles property within this area. He explained that the plan was to maintain the Huck Liles property as a green park along with multipurpose space. One option presented was geared toward enhancing the rodeo's presence downtown and facilitating a healthy, mixed income development to the south with green space to the north.

Vice-Mayor Crowley was concerned about the concept of turning the Huck Liles property into private property and was also concerned about the Orange Blossom Mobile Home Park. He did not want to give the impression that the Town was encouraging developers to move residents out of the area.

Councilmember Paul was pleased that the Huck Liles property would not be removed. She like the master plan and agreed with Vice-Mayor Crowley about the Huck Liles property. Councilmember

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Paul asked if it was feasible to put in a road and take down the wall down at the Huck Liles site. Mr. Dover responded in the affirmative. Councilmember Paul voiced concerns about stormwater retention and density required for this plan.

Mayor Truex felt this plan was much more open and congratulated the Community Redevelopment Agency (CRA) and Mr. Dover on their work. He referred to the open area west of the rodeo and felt the plan would not shrink open space but shift it slightly. Mayor Truex felt the Town would be doing the residents of Orange Blossom Mobile Home Park a favor by planning ahead and relocating them to more adequate affordable housing. He felt this concept reflected of true mixed usage and was in favor of approving the plan.

Councilmember Starkey was happy to see the “suicide lane” removed from the plan and wanted a center lane cutoff in the middle of the roadway. She felt this would later facilitate a trolley system and safe pedestrian crossings. Councilmember Starkey liked the alternative of 67th Avenue as a roadway. She was not in favor of the “Alamo” design for Town Hall and wanted a professional environment designed for staff to work. Councilmember Starkey voiced her concerns about water retention. She liked the Old Town Hall museum concept and did not want a tall structure at the welcome corner of Davie Road and Orange Drive. Councilmember Starkey voiced reservations about using parking space for private property. Mr. Dover suggested using landscape architects to plan for the central park. Councilmember Starkey wanted a workshop on this issue to seek further input from property owners and Council. She liked the conceptual plan but was not yet ready to approve the master plan at this stage. Councilmember Starkey felt the plan was not flexible enough.

Mayor Truex wanted to move forward and felt the conceptual plan was a fluid document. He did not want to wait for a workshop and pointed out that the CRA had the means to bring the Council’s vision to reality. Councilmember Paul also wanted to move forward and felt Council’s comments provided adequate direction for the CRA. Vice-Mayor Crowley was also in favor of approving.

Vice-Mayor Crowley asked how the Orange Blossom Mobile Home Park would be handled as it was not technically in the CRA. Redevelopment Administrator Will Allen explained that this site was adjacent to the CRA area. Mr. Cohen felt it was appropriate to include this site on the plan, so future developers would realize that the Town had designated this as an affordable housing site.

Housing and Community Development Director Shirley Taylor-Prakelt was in favor of the plan as presented. She felt the plan presented an excellent option for affordable housing because of its proximity to transportation.

Councilmember Starkey wanted more time to build in more options for flexibility. She was reluctant to approve the document as currently worded.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve the downtown master plan with Attachment 1 showing all the alternatives in the backup, and with the condition that this was a flexible document that may change over time.

Mayor Truex disclosed that he owned 100% of the East Davie Company, which owned two lots within the geographic boundaries of the plan. He stated that he had Mr. Kiar’s permission to vote on the conceptual plan. Council had no objections.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley- yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.11 Councilmember Caletka opposed this expenditure and wanted to see this function performed by a graduate student intern. Councilmember Starkey was troubled as the company being selected was not listed under public inquiry and because contact information led to a cell phone. She was

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concerned that in light of recent challenges with contracts within the Town, staff wanted to hire a company that could only be located by cell phone.

Town Clerk Muniz advised that staff had gone out for a formal bid because it had no way of ascertaining the cost for this item. He explained that the individual who had formerly provided this service had incorporated his own company and had met all requirements of the Budget and Finance Department. Town Clerk Muniz stated that the company was legitimate and listed on Sunbiz under Fictitious Names.

Councilmember Caletka reiterated that this task could be done by a student at no cost. Town Clerk Muniz advised that staff had received only one response. He stated it was Council's discretion to discard this selection and start over. Mr. Cohen suggested tabling this item while staff contacted the universities about performing this function.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table to July 19, 2006. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex felt that to some extent, a graduate student would not provide the same level of service as a professional and that government could not be expected to track down every single person for consideration. He hoped that a professional would be used to sort out the data and provide some guidance in the process. Mayor Truex pointed out that an individual doing business was required to use a fictitious name under Florida Statutes.

4.12 Councilmember Starkey was concerned about another employee with out-of-service pay and was hoping all these instances would be handled by Council at the same time. Mr. Cohen explained that the terms Deputy Chief Eggnatz was hired under violated certain State Statutes and advised that this item was brought forward to keep his original hiring terms intact. Councilmember Starkey felt this was a step in the right direction but not a complete step. Mr. Cohen concurred and advised all such instances would be addressed together at a later time.

Councilmember Caletka felt salaries above \$75,000 were too high and subjected the Town to sinking more money into retirement plans.

Mayor Truex opened the discussion for audience comments.

Richard Weiner reviewed the history of this employee's salary and felt if this resolution was passed, then three other employees in the same department would be eligible for the same benefit. Mr. Cohen did not see a conflict and reiterated that this resolution sought only to maintain the original terms of hire.

Mayor Truex closed the audience comments.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley- yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

4.15 Councilmember Caletka opposed the request for additional funding and felt it was wise to allow the auditors to submit an interim progress report before Council approved more funding. Mr. Cohen advised the auditors wanted to complete their investigation before providing a detailed report. At this point, the funds had been exhausted prior to the investigation being concluded. Councilmember Caletka said that this appeared to be mismanagement and felt the firm should have simply asked for \$75,000 up front. He wanted to meet with the auditors to see how solid their evidence was at this point.

Councilmember Starkey advised that she had spoken with the forensic auditor on this issue and agreed with Mr. Cohen on observing caution before requesting any reports on this issue. She was in favor

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of approving this expense to allow the auditors to complete work that did not fall within the original scope.

Vice-Mayor Crowley recalled his earlier concern that more money would be required for this audit. He advised that this would be his final authorization.

Mayor Truex wanted to ensure that this was the firm's final request. Mr. Cohen assured Council that this was the final request from the firm in order to complete the work. Mayor Truex acknowledged Councilmember Caletka's concern but was not in favor of a halfway progress report in light of the fact that these documents were sure to be publicized. He wanted all the facts gathered before any report was published.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2006-20 APPROVING VACATION PETITION VA 5-1-05 LONG KEY - FLAMINGO PARK,
VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT
OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS
RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF
BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of
Flamingo Road and SW 36 Street) (tabled from May 17, 2006) *Planning and Zoning
Board recommended approval contingent upon meetings with the resident and the
retention for Bellsouth, if necessary* **{Approved on First Reading June 21, 2006 - all
voted in favor}**

Town Clerk read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion to approve.

Councilmember Paul requested that Broward County meet with the Town to discuss plans for the area in the event that the ten feet of land was owned by the County.

Councilmember Starkey amended her motion to approve, with the condition that once the 10 feet of land was owned by the County, the County would meet with the Town to discuss plans for the area to the extreme south and that the County would consider this land for a future trail. Councilmember Paul seconded the motion. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Resolution

- 6.2. **CAPITAL PROJECTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF
DAVIE FOR FISCAL YEARS 2007- 2011. (tabled from June 7, 2006)

This item was tabled earlier in the meeting.

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Ordinance - First Reading (Second and final reading to be held July 19, 2006)

- 6.3. **RETIREMENT PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES; AMENDING THE DEFINITION OF MANAGEMENT EMPLOYEE TO EXCLUDE DEPUTY AND ASSISTANT FIRE AND POLICE CHIEFS; PROVIDING FOR CONTINUATION OF EXISTING MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Earlier in the meeting, Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the July 19, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Richard Weiner disclosed that he was representing the International Association of Fire Fighters Local. He opposed this ordinance on behalf of his client because of the shorter vesting period for this employee's pension and argued that there was a disparity in pay. Mr. Weiner questioned whether this would always be applied to other general or management employees. Mr. Cohen agreed with several of Mr. Weiner's points and reiterated that in this specific instance, the employee was placed in the plan due to the Town's error. He advised that this would not be done for all other employees.

Mr. Weiner advised that the definition of an eligible member included a Councilmember. Mr. Cohen agreed and felt language providing for Councilmembers should be stricken from Section 1.18.1.

Mayor Truex closed the public hearing.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to table to July 19, 2006. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

7. APPOINTMENTS

7.1. Mayor Truex

- 7.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

No appointment was made.

- 7.1.2. Agricultural Advisory Board (one exclusive appointment - term expires April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.1.3. District Boundaries Review Committee (one exclusive appointment from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

Mayor Truex appointed Ken Jennings.

- 7.1.4. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

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- 7.1.5. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.2. Vice-Mayor Crowley

- 7.2.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.3. Councilmember Paul

- 7.3.1. District Boundaries Review Committee (one exclusive appointment from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

Councilmember Paul appointed Jason Diamond.

- 7.4. Councilmember Starkey

- 7.4.1. District Boundaries Review Committee (one exclusive appointment from the respective Council districts; terms expire upon submittal of recommendation to the Town Council) (members shall be a registered voter)

No appointment was made.

- 7.5. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

Mayor Truex welcomed Toby Perkins, who spoke on behalf of United Ranches residents. Ms. Perkins thanked Council for its superb campaign to welcome United Ranches into Davie.

8. OLD BUSINESS

- 8.1. Removal of Planning and Zoning Board Member - Mayor Truex

Councilmember Paul stated that after further reflection on this issue, she was not in favor of removing Karen Stenzel-Nowicki from the Planning and Zoning Board. She was not comfortable using this method to "silence a critic" and did not want to be part of any vindictive action. Councilmember Paul pointed out that the dissemination of the offensive cartoon occurred on April 24th; however, Ms. Stenzel-Nowicki was not appointed to the Planning and Zoning Board until May 3rd. Therefore, her conduct at the time was done as a private citizen and not as a representative of the Town. Councilmember Paul pointed out that Ms. Stenzel-Nowicki had apologized at the previous meeting whereas in many other instances, no apologies were given by the public for similar offences. Councilmember Paul hoped that after this issue, Ms. Stenzel-Nowicki would learn humility and respect for other residents and not talk down to the residents. Councilmember Paul hoped that Ms. Stenzel-Nowicki would not send out hurtful cartoons and parodies Town-wide. Councilmember Paul pointed out that there were no boundaries between public and private life for elected officials.

Mayor Truex stated he did not want to silence Ms. Stenzel-Nowicki, he simply did not want her representing the Town after what he felt was gross misconduct. He felt her apology "if anyone was

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offended” did not reflect a sincere apology. Councilmember Paul stated that she wanted to rise above this issue and felt the decision to remove Ms. Karen Stenzel-Nowicki had extended beyond the original offense.

Councilmember Starkey still felt that Council should set an example for professional dignity and respect and appoint individuals who would display this. She was not in favor of appointing an individual who “breathed discord” in the community and disrespected elected officials. Councilmember Starkey added that members of Council disagreed with each other respectfully. Councilmember Paul pointed out that Councilmembers had appointments on other committees who did offensive things but still held their seats in office.

Mayor Truex opened the floor to audience comments.

Janice Stacey, 6121 NW 45 Street - Fort Lauderdale, advised that this item was no longer a local issue but was being broadcast all over the Internet and in the newspapers.

Councilmember Starkey apologized and stressed that the behavior of one resident did not reflect all of Davie. She assured Ms. Stacey that the majority of the Town respected diversity and the Indian nations. Ms. Stacey felt the insult was not only to Mr. Osceola, but to all Indians.

Mayor Truex closed public comments.

Councilmember Starkey made a motion, seconded by Mayor Truex, to remove Karen Stenzel-Nowicki from the Planning and Zoning Board. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - no; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion failed 2-3)

8.2. Charter Review

Councilmember Caletka summarized his suggestions for a Charter amendment as follows: 1) possible 4-year Council terms; 2) moving Council elections to November due to higher voter turnout and lower election costs; 3) pay raises for Council - based on his research that indicated that Council received the third lowest pay in the County; 4) July vacation for Council and staff; and 5) Council’s discretion on changing police organizations.

Mayor Truex was against moving up a Charter review because of limited time and the high cost of doing so. He preferred to wait until March 2008 as he felt the costs would be burdensome.

Councilmember Starkey agreed with Mayor Truex and wanted to hear more from the community on certain Charter suggestions. She disagreed with the last recommendation and felt this should remain in the hands of the voters. Councilmember Starkey agreed that Council’s pay needed to be steadied, but recalled that she had previously voted against an increase. She pointed out that Council positions were not designed to be full-time but rather volunteer public service roles.

Vice-Mayor Crowley objected to paying fees for elections and preferred to wait until March 2008 for a Charter review. Mayor Truex advised the Charter review needed to be formed next summer to be ready for the March 2008 election.

8.3. Illegal Dumping Fines - Councilmember Caletka

Councilmember Caletka requested an ordinance placing stronger penalties for illegal dumping and spoke of ongoing problems with people choosing to drop off garbage at commercial sites in Davie. Mayor Truex was in favor of going after the individuals doing the dumping. Mr. Kutney advised that State laws allowed the Town to raise fines to \$1,000 for a first offense and \$5,000 for repeated offenses. Mr. Cohen advised that staff would look into setting a fine for individuals who illegally dumped and bring something back before Council over the next two meetings.

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8.4. Waste Management Contract Amendment - Councilmember Caletka

Councilmember Caletka wanted to bring back the special pickup district for the eastside by amending the Town's contract with Waste Management.

8.5. Seminole Noise - Councilmember Caletka

Councilmember Caletka wanted Mr. Kiar to follow up on the legal recourses to correct this situation. Mayor Truex felt this issue had not reached the stage requiring a *writ of mandamus* and felt getting involved with litigation would prohibit voluntary cooperation. Mayor Truex felt any litigation the Town might pursue would be "highly speculative" and subject to burdensome costs. Mr. Kiar stated that this was a case of first impression without a guaranteed outcome. He felt there was a basis for a lawsuit but agreed the Town would be exposed to considerable liabilities and attorneys' fees. Mayor Truex was not at the point to give direction to file a lawsuit. Councilmember Caletka pointed out that every other method to reach a solution and protect the residents had failed. Mayor Truex felt this issue was not simple and did not feel suing the Tribe would be productive and pointed out that not every wrong could be fixed by Council. He did not object to research conducted by Mr. Kiar so long as no legal action was taken without Council's support.

9. NEW BUSINESS

9.1. Vehicle Usage by Management - Councilmember Caletka

Councilmember Caletka was in favor of the city manager, the police chief and the fire chief driving Town vehicles. He felt the Dodge Durango's being used by other managers should be liquidated and the money put back in the Town's funds. Mayor Truex asked if Councilmember Caletka objected to the Town reimbursing for mileage. Councilmember Caletka felt most managers made a sufficient income to pay their own car and insurance expenses.

Mr. Cohen advised there was an auto allowance for directors without Town vehicles ranging from \$250-\$500 per month. Councilmember Caletka felt this figure was very high. Mayor Truex stated that removing an existing benefit amounted to a pay cut. He felt the benefit was already included in the compensation package and subsequent decisions should be handled by the town administrator.

Councilmember Caletka stated he wanted this on the agenda because it would not be a popular subject for Mr. Cohen to bring up with his employees. Mr. Cohen advised it was very common practice to provide an auto allowance for directors and other employees who used their personal vehicles for business. Vice-Mayor Crowley requested a list of employees with take home cars, employees with auto allowances and employees on contract, for the upcoming budget review.

Councilmember Starkey agreed this was an important discussion as the Town moved forward with the upcoming budget. Councilmember Paul asked for information indicating gas consumption and mileage. Mr. Cohen advised the Town had recently implemented new software to help track this.

Councilmember Caletka understood that the vehicles and allowances were an incentive to hire quality staff. However, he pointed out that he could pay for his own vehicle and did not earn anywhere near what Town managers were paid. Councilmember Caletka did not want to send residents the message that the Town was throwing money and cars at managers.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER STARKEY

GOLF TOURNAMENT. Councilmember Starkey announced that the Soroptimists annual golf tournament was scheduled for August 12th at the Bonaventure Resort.

CELEBRATION. Councilmember Starkey spoke of her recent attendance at the 100th anniversary celebration of the Everglades Restoration Project held at the Broward Center for the Performing Arts.

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UPDATES. Councilmember Starkey requested an update on the Math Igler Groves and the Hiatus Road improvements.

TOWN LOGO. Councilmember Starkey suggested placing the Town's new logo behind Mayor Truex so residents would not see the coffeepots on television.

IMPROPER STORAGE. Councilmember Starkey spoke out against improper storage on the former Jolmy truck stop property off State Road 84 and I-595. She felt they were violating the Town's Code and not acting in good faith with the Town's agreement.

COUNCILMEMBER CALETKA

BUDGET. Councilmember Caletka requested a line item budget for the police department for the previous year.

LOBBYIST. Councilmember Caletka referred to a bill from the Town's lobbyist Mr. Sigerson and questioned charges for "monitoring legislation." He questioned whether work done warranted the \$3,000 bill and pointed out he could monitor legislation by checking on the Internet.

EMPLOYMENT. Councilmember Caletka felt based on Council's discussion, the Town was advertising high paying jobs with free cars as employment.

11. TOWN ADMINISTRATOR'S COMMENTS

IMPROPER STORAGE. Mr. Cohen advised staff would provide a more detailed written report on the Jolmy site.

UPDATES. Regarding Hiatus Road and the Math Igler site, Mr. Cohen indicated he would review the staff report provided by new Public Works personnel before passing it on to Council.

12. TOWN ATTORNEY'S COMMENTS

No comments were made

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:22 p.m.

Approved_____

Mayor/Councilmember

Town Clerk

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